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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,044	01/22/2004	Olivier Pizzuto	02-RO-250	3798
23334	7590	05/23/2005	EXAMINER	
FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L. ONE BOCA COMMERCE CENTER 551 NORTHWEST 77TH STREET, SUITE 111 BOCA RATON, FL 33487			KIM, SU C	
			ART UNIT	PAPER NUMBER
			2823	

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/763,044

Applicant(s)

PIZZUTO ET AL.

Examiner

Su C. Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION**REMARKS/ARGUMENTS**

Applicant has canceled claim 20. Claim 20 has been withdrawn from consideration.

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: **elements 17 & 18**. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: **on page 2 line 13, "th" appears incorrectly and should be corrected.**

Appropriate correction is required.

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Claim Objections

3. Claim 19 is objected to because of the following informalities: On claim 19, "nanometres" appears and it should be corrected.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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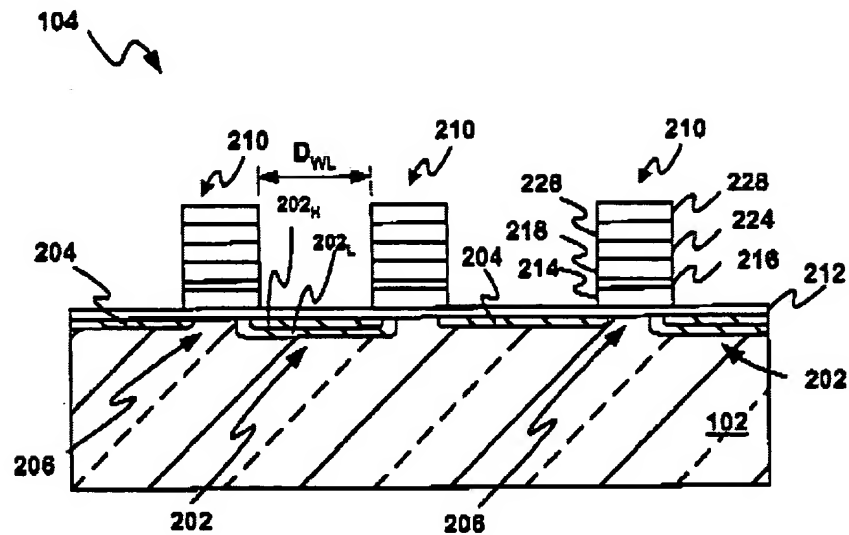


FIG. 2C (PRIOR ART)

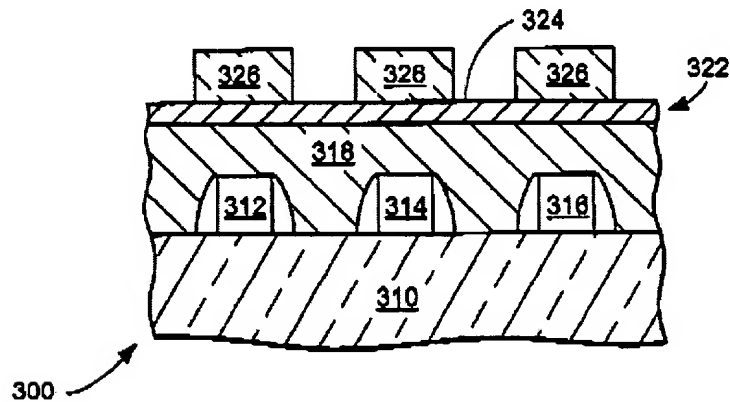


FIG. 6

Subramanian discloses a method for flash memory process as claimed.

See all FIGS, where Subramanian teaches the following claims.

4. Claims 1-4, 13, 14, & 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Subramanian et al (US 6,348,406 B1).

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Pertaining to claim 1, Subramanian discloses a method for producing a flash memory comprising:

forming at least two adjacent rows of precursor stacks of floating gate transistors **214** on a semiconductor substrate **102**, with the precursor stacks **210** being at least partially covered by a protective resin **212 & 318** and being separated by a formation zone for a source line **202** ;

forming a trench **202** in the formation zone for the source line **202** by an attack of the formation zone and of the protective resin **212 & 318** so as to result in a deposit of residue from the protective resin below the precursor stacks **(Column 7 lines 26-29, please note the claim 1 directly refers to self-aligned source etching process)**;

removing the deposit of residue deposit **(column 2 lines 30-34)**;

and implanting a source line **202** in the formation zone below the precursor stacks **(column 7 lines 36-52, please note Subramanian teaches to form source and common line CS)**.

5. Pertaining to claim 2, Subramanian discloses the method of claim 1, wherein the forming a trench **202** includes forming a trench which is the type having of (SAS) self-aligned source **(column 7 lines 32-33)**.

6. Pertaining to claim 3, Subramanian discloses the method of claim 1, wherein the forming a trench **202** includes forming a trench so as to result in the protective resin **212 & 318** formed from a thick DUV resin **322** (**Column 8 lines 18-27, also note Anti-reflective coating (ARC) layer is typically a polymer film, which is highly absorbing and non-bleaching at the exposure wavelengths associated with the photolithographic process**).

7. Pertaining to claim 4, Subramanian discloses the method of claim 2, wherein the forming a trench **202** includes forming a trench so as to result in the protective resin formed from a thick DUV resin **322**.

wherein for each of the precursor stacks, the drain **204** is formed opposite the formation zone for the source line **202**.

8. Pertaining to claim 13, Subramanian disclose the method of claim 1, further comprising:

removing the protective resin **212 & 318** following implantation of the source line **202**.

9. Pertaining to claim 14, Subramanian discloses the method of claim 4, further comprising:

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removing the protective resin **212** following implantation of the source line **202**.

removing the protective resin **212** following implantation of the source line **202**.

10. Pertaining to claim 18, Subramanian the method of claim 1, wherein the implanting the source line **202** includes doping the source line with arsenic **(Column 7 lines 50-51)**.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Subramanian (US 6348406) in view of Tanaka et al. (US PUB 2003/0165750)

11. Pertaining to claim 5, Subramanian discloses, wherein the forming a trench **202** includes forming a trench so as to result in the protective resin **212 & 318** formed of DUV resin.

However, Subramanian does not disclose the method of claim 1, wherein the forming a trench **202** includes forming a trench so as to result in the protective resin formed of thick I-line resin.

Tanaka teaches the method of claim 1, wherein the forming a trench **202** includes forming a trench so as to result in the protective resin formed of thick I-line resin (**column 6 lines 48-54**).

Subramanian and Tanaka are analogous art because they are from the same field of endeavor and the masking process.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to the method of claim 1, wherein the forming a trench includes forming a trench so as to result in the protective resin formed of thick I-

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line resin, instead of forming DUV resin because of inexpensive I-line lithography fabrication.

Therefore, it would have been obvious to combine Tanaka with Subramanian for the benefit of inexpensive lithography fabrication process to obtain the invention as specified in claim

12. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Subramanian in view of S. Wolf (**Page 564-565 lines 8-17 & lines 6, Silicon Processing for the VLSI Era Vol. 1 by S. Wolf, please refers one of conventional dry etching process: Organic film etching process).**

Pertaining to claim 9, Subramanian discloses the method of claim 1, wherein the removing the deposit of residue includes removing the deposit of residue.

However, Subramanian does not teach the removing the deposit of residue includes removing the deposit of residue by generating dioxygen plasma.

S. Wolf teaches removing the deposit of residue includes removing the deposit of residue by generating dioxygen plasma.

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Subramanian and S. Wolf are analogous art because they are from the same field of endeavor and the name of the field Organic film etching process.

At the time of invention it would have been obvious to a person of ordinary skill in the art to removing the deposit of residue includes removing the deposit of residue by generating dioxygen plasma because organic etching process is a highly selective method for removing organic material. (S. Wolf, volume 1 Page 564 lines 19-20, please note applicant disclose the polymer can be removed especially by means of adequate dioxygen plasma and the polymer is an organic material).

Therefore, it would have been obvious to combine Subramanian in view of S. Wolf for the benefit of providing a highly selective method for removing polymer and its residue.

Claims 8, 15, 16, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Subramanian (US 6,348,406).

13. Pertaining to claim 8, Subramanian discloses the method of claim 6, wherein the forming at least two adjacent rows of precursor stacks of floating gate transistors **210** on a semiconductor substrate **102** includes forming a

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semiconductor substrate with a drain **204** for each precursor stack, wherein the drain is covered in a resin **212 & 318**; and

wherein for each of the precursor stacks, the drain **204** is formed opposite the formation zone for the source line **202** **(Although Subramanian teach claim 8, it is rejected under 35 U.S.C. 103 (a) because it is dependent claim of 6).**

14. Pertaining to claim 15, Subramanian discloses the method of claim 6, further comprising:

removing the protective resin **212** following implantation of the source line **202** **(Although Subramanian teaches claim 15, it is rejected under 35 U.S.C. 103 (a) because it is a dependent claim of 6).**

15. Pertaining to claim 16, Subramanian discloses the method of claim 8, further comprising:

removing the protective **212** resin following implantation of the source line **202** **(Although Subramanian teaches claim 16, it is rejected under 35 U.S.C. 103 (a) because it is dependent claim of 8).**

16. Pertaining to claim 17, the method of claim 12, further comprising:
removing the protective resin **212** following implantation of the source line **202**

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(Although Subramanian teaches claim 17, it is rejected under 35 U.S.C. 103

(a) because it is dependent claim of 12).

17. Pertaining to claim 19, Subramanian the method of claim 1, wherein the implanting the source line includes implanting the source line 25 nanometres out from an edge under a gate oxide of the precursor stacks.

Given the teaching of the references, it would have been obvious to determine the optimum thickness, temperature as well as condition of delivery of the layers involved. See *In re Aller, Lacey and Hall* (10 USPQ 233-237) "It is not inventive to discover optimum or workable ranges by routine experimentation. Note that the specification contains no disclosure of either the critical nature of the claimed ranges or any unexpected results arising therefrom. Where patentability is said to be based upon particular chosen dimensions or upon another variable recited in a claim, the Applicant must show that the chosen dimensions are critical. *In re Woodru* ; 919 f 2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

Any differences in the claimed invention and the prior art may be expected to result in some differences in properties. The issue is whether the properties differ to such an extent that the difference is really unexpected. *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986)

Appellants have the burden of explaining the data in any declaration they proffer as evidence of non-obviousness. *Ex parte Ishizake*, 24 USPQ2d 1621, 1624 (Bd. Pat. App. & Inter. 1992).

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An Affidavit or declaration under 37 CFR 1.132 must compare the claimed subject matter with the closest prior art to be effective to rebut a prima facie case of obviousness. *In re Burckel*, 592 F.2d 1175, 201 USPQ 67 (CCPA 1979).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Su C. Kim whose telephone number is (571) 272-5972. The examiner can normally be reached on Monday - Friday, 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chaudhuri Olik can be reached on (571) 272-1855. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**W. DAVID COLEMAN
PRIMARY EXAMINER**